



REMARKS

Main claim 10 was amended to include the subject matter of canceled claims 11 and 19. Support for this feature can be found at page 17, lines 5-10, of the specification in which the improved ergonomics of holding a pen with an inclined window is described. No reference discloses or suggests the inclined window, as now claimed.

Reconsideration of the double patenting rejection in view of the new main claim is respectfully requested.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.

Attorneys for Applicant(s)

489 Fifth Avenue

New York, New York 10017-6105

Tel: (212) 697-3750

Fax: (212) 949-1690

Alan Israel

Reg. No. 27,564

RECEIVED
JUN 24 2003
TECHNOLOGY CENTER 2800



MARKED-UP VERSION OF AMENDED CLAIMS

10. (Amended) A portable instrument for creating a visual display on a target in a pointing mode of operation, and for selectively electro-optically reading coded indicia in a reading mode of operation, the instrument comprising:

a) a housing extending along an axis between opposite end regions and having a size and a shape configured to be held in a user's hand during both the pointing and reading modes;

b) a light-transmissive window at one of the end regions on the housing and aimable at the target during the pointing mode, and at the indicia during the reading mode, the window being inclined relative to said axis;

c) a plurality of electrical and optical components supported by the housing, for directing a light beam through the window, one of the electrical and optical components being movable between a first position in which said one of the electrical and optical components is operative for focusing the light beam at a first focus in the vicinity of the target during the pointing mode, and a second position in which said one of the electrical and optical components is operative for focusing the light beam at a second focus in the vicinity of the indicia during the reading mode, the first and second foci being located at different working distances relative to the window; and

d) a manually actuatable switch mounted for movement by the user on the housing and operatively connected to said one of the electrical and optical components for manually moving said one of the electrical and optical components between said first and second positions to selectively focus the light beam at the first and second foci in the pointing and reading modes, respectively.

RECEIVED
JUN 24 2003
TECHNOLOGY CENTER 2800

12. (Amended) The instrument of claim [11] 10; and further comprising a marking implement supported by the housing and having a marker at another end region of the housing and facing a surface to be marked.



CLEAN VERSION OF AMENDED CLAIMS

10. A portable instrument for creating a visual display on a target in a pointing mode of operation, and for selectively electro-optically reading coded indicia in a reading mode of operation, the instrument comprising:

C1 a) a housing extending along an axis between opposite end regions and having a size and a shape configured to be held in a user's hand during both the pointing and reading modes;

b) a light-transmissive window at one of the end regions on the housing and aimable at the target during the pointing mode, and at the indicia during the reading mode, the window being inclined relative to said axis;

c) a plurality of electrical and optical components supported by the housing, for directing a light beam through the window, one of the electrical and optical components being movable between a first position in which said one of the electrical and optical components is operative for focusing the light beam at a first focus in the vicinity of the target during the pointing mode, and a second position in which said one of the electrical and optical components is operative for focusing the light beam at a second focus in the vicinity of the indicia during the reading mode, the first and second foci being located at different working distances relative to the window; and

d) a manually actuatable switch mounted for movement by the user on the housing and operatively connected to said one of the electrical and optical components for manually moving said one of the electrical and optical components between said first and second positions to selectively focus the light beam at the first and second foci in the pointing and reading modes, respectively.

RECEIVED
JUN 24 2003
TECHNOLOGY CENTER 2800



C2

12. The instrument of claim 10; and further comprising a marking implement supported by the housing and having a marker at another end region of the housing and facing a surface to be marked.

RECEIVED
JUN 24 2003
TECHNOLOGY CENTER 2800